

BUILDING PERMITS AND INSPECTIONS

DATE: March 15, 2004

TO: City Clerk

FROM: Tom Maguire, Housing Compliance Supervisor Ext. 4588 (Rosa Lopez Ext. 4800)

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

Please place the following item on the Consent Agenda for the Council Meeting of March 30th, 2004.

That the City Council hereby rescinds its action of February 3, 2004 to hold a public hearing to determine if the property located at 10301 Dyer Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. **(District #4)**

[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

Special Instructions

City Clerk's Use

Item No. _____

RESOLUTION

WHEREAS, on February 3, 2004, the City Council of the City of El Paso resolved to hold a public hearing to determine if the property located at 10301 Dyer Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished, and

WHEREAS, the City Council has now been informed that there were omissions in the notification process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council hereby rescinds its action of February 3, 2004, resolving the following:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the structures be removed or demolished within (30) days; and
 - b. That the premises be secured and cleaned of all weeds, trash and debris within (30) days and the property be maintained clean and secure; and
 - c. That the Owner of said structures is hereby ordered to comply with all requirements of the Resolution; and
 - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the structures and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the structures and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the structures and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the structures and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

- a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the structures so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

PASSED AND APPROVED this 30th day of March, 2004.

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

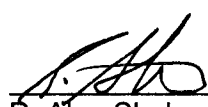
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, Director
Building Permitting and Inspections Dept.